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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,743	09/22/2003	Ronald Lauber	7603.110	6797
7590	04/27/2007		EXAMINER	
Thomas P.Liniak Liniak, Berenato & White Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			TORRES, MARCOS L	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	04/27/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,743	LAUBER ET AL.
	Examiner	Art Unit
	Marcos L. Torres	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 December 2006.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17-39 and 84-89 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 17-39 and 84-89 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12-8-06 have been fully considered but they are not persuasive. Regarding applicant argument that the examiner has erroneously assumed that the person carries or wears the mobile device, because the claims do not require such limitation; the claim is drafted in such way that any of both the person and vehicle can carry the terminal. Interestingly, applicant representative at the bottom of the second paragraph of page nine in the remarks adds a comma to differentiate between the person and the vehicle. Examiner invites the applicant representative to use the same clearer language in the claim. For example: "determining whether a selected person is present in a vehicle, the vehicle carrying the mobile wireless data entry terminal". Nevertheless, the interpretation does not affect the current rejection.
2. Applicant's arguments, see page 10, filed 12-28-06, with respect to claims 18-23, were applicant representative states that detecting a selected person is admitted prior art have been fully considered and are persuasive. The 112 rejection of claim 18-23 has been withdrawn.
3. Please see below for the new limitations.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 27-31, 34-37, 84, 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No. 2002/0070881) and Ghazarian US 20030179098A1.

Regarding claim 27, Jones teaches a method for transmitting time-stamped position data from a mobile wireless data entry terminal to a remote location (paragraph [0076], [0077]), comprising the method steps of: sensing the location of the mobile wireless data entry terminal at a selected time and generating a location data field in response thereto (paragraph [0076]-[0077]); storing said location data and said selected

time (paragraph [0096]); determining whether a selected person is present in a vehicle (admitted prior art) carrying a mobile wireless data entry terminal and ,in response, generating a person present/absent data field (paragraph [0073], [0076], [0077]; generating location, time, and identification of the particular mobile device as part of registration process from the mobile terminal or polling from the base station; Jones further teaches method tracking a user/person/passenger walks or rides on a vehicle carrying a mobile wireless terminal device (paragraph [0002]-[0004]); determining the present/absent of the user is having an apparent relationship to whether the mobile terminal is registering to the base station which is serving that location and to generating the information related to the mobile terminal device is also the location, time and name or ID of the user with an attached present/absent status of the user since the mobile terminal and the user must have some kind of relationship such as the user owns the mobile terminal, the mobile is being assigned to the user by his employer; generating location, time, and identification of the particular mobile device as part of registration process from the mobile terminal or polling from the base station; Jones further teaches method of tracking a user/person/passenger walks or rides on a vehicle carrying a mobile wireless terminal device (paragraph [0002]-[0004]; [0073], [0076]-[0077]); determining the present/absent of the user is having an apparent relationship to whether the mobile terminal is registering to the base station which is serving that location and to generating the information related to the mobile terminal device is also the location, time and name or ID of the user with an attached present/absent status of the user since the mobile terminal and the user must have some kind of relationship

such as the user owns the mobile terminal, the mobile is being assigned to the user by his employer...); transmitting said information from the mobile wireless data entry terminal to a wireless receiver at a base station equipped with a computer having a display (Figure 2, paragraph [0076]-[0077]; [0096]-[0098]); however, Jones does not expressly teach a method of using data packet for the invention wireless transmission between the mobile terminal and the base station. In an analogous art, Marcarelli et al. teaches using data packet for communicating message comprises identification of the mobile device, location data field, selected time, and other additional data such as acknowledge data, or emergency data (paragraph [0043]); determining whether a vehicle carrying the mobile wireless data entry terminal is being tampered with and generating a vehicle tamper status data field (paragraph [0052]-[0055]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones to include the method of using data packet for communication between the mobile terminal and the base station such as taught by Marcarelli et al. in order to better management of wireless communication resources such communication channel.

Jones and Marcarelli do not disclose detection of tampering the mobile terminal. In an analogous art, Ghazaran discloses detection of tampering the mobile terminal antenna (see par. 0010-0013, 0020-021). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to add the detection of tampering for the communication device to the modified Jones method for a reliable communication.

As to claim 86-87, Jones discloses the method wherein said step of determining whether the mobile wireless data entry terminal is being tampered with comprises the step of: monitoring an ignition line of said vehicle and sending a tamper alert signal in response to an interruption of said ignition line (see par. 0112). Marcarelli et al discloses determining whether a vehicle carrying the mobile wireless data entry terminal is being tampered with and generating a vehicle tamper status data field (paragraph [0052]-[0055]).

Regarding claim 34, Jones teaches a method for analyzing and displaying time-stamped position data from a mobile wireless data entry terminal carried by a vehicle having a unique mobile wireless data entry terminal identification indicator (paragraph [0069], [0118]), comprising the method steps of: sensing the location of the mobile wireless data entry terminal at a selected time and generating a location data field in response thereto (paragraph [0076]-[0077]); storing said location data and said selected time (paragraph [0096]); generating the location, time and identification information of the mobile terminal (paragraph [0076], [0077] generating location, time, and identification of the particular mobile device as part of registration process from the mobile terminal or polling from the base station); transmitting said information from the mobile wireless data entry terminal to a wireless receiver at a base station equipped with a computer having a display (Figure 2, paragraph [0076]-[0077]; [0096]-[0098]); however, Jones does not expressly teach a method of using data packet for the invention wireless transmission between the mobile terminal and the base station and determining whether a vehicle carrying the mobile wireless data entry terminal is being

tampered with and generating a vehicle tamper status data field. In an analogous art, Marcarelli et al. teaches using data packet for communicating message comprises identification of the mobile device, location data field, selected time, and other additional data such as emergency data (paragraph [0043]). Marcarelli et al further teaches determining whether a vehicle carrying the mobile wireless data entry terminal is being tampered with and generating a vehicle tamper status data field (paragraph [0052]-[0055]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones to include the method of using data packet for communication between the mobile terminal and the base station such as taught by Marcarelli et al. in order to better management of wireless communication resources such communication channel and assisting the process of solving or recovering of the vehicle if it is being stolen.

Jones and Marcarelli do not disclose detection of tampering the mobile terminal. In an analogous art, Ghazarian discloses detection of tampering the mobile terminal antenna (see par. 0010-0013, 0020-0021). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to add the detection of tampering for the communication device to the modified Jones method for a reliable communication.

Regarding claim 28, Ghazarian teach wherein the step of sensing the location of the mobile wireless data entry terminal comprises sensing signals of three or more Global Positioning System satellites (see fig. 1, items 50).

Regarding claims 29, 31, Jones further teaches a method wherein the step of determining whether a selected person is present in a vehicle carrying the mobile wireless data entry terminal comprises determining whether an employee or a passenger is present in the vehicle at a selected time (paragraph [0002]-[0004], [0076]-[0077]).

Regarding claim 30, Marcarelli et al. further teaches a method wherein the step of determining whether a selected person is present in a vehicle carrying the mobile wireless data entry terminal comprises determining whether a medical patient is present in the vehicle at a selected time (paragraph [0050]).

Regarding claim 35, Jones further teaches a method wherein the step of sensing the position of the mobile wireless data entry terminal at a selected time comprises sensing signals of one or more Global Positioning System satellites (paragraph [0076]).

Regarding claims 36, 37, Marcarelli et al. further teaches a method further comprising the step of determining and generating an alarm according to whether the vehicle carrying the mobile wireless data entry terminal is being tampered by detecting vehicle movement during an interval when the vehicle ignition is off and, in response, generating a signal indicating the vehicle is being moved (paragraph [0051], [0054]).

As to claim 84, Jones discloses the method wherein said step of determining whether the mobile wireless data entry terminal is being tampered with comprises the step of: monitoring an ignition line of said vehicle and sending a tamper alert signal in response to an interruption of said ignition line (see par. 0112). Marcarelli et al discloses determining whether a vehicle carrying the mobile wireless data entry terminal is being

tampered with and generating a vehicle tamper status data field (paragraph [0052]-[0055]).

8. Claims 17-26, 32-33, 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No. 2002/0070881) and Ghazarian, and further in view of Kuma (US Patent No. 5,907,286).

Regarding claim 17, Jones teaches a method for analyzing and displaying time-stamped position data from a vehicle carrying a mobile wireless data entry terminal having a unique mobile wireless data entry terminal identification indicator (paragraph [0069], [0118]), comprising the method steps of: sensing the location of the mobile wireless data entry terminal at a selected time and generating a location data field in response thereto (paragraph [0076]-[0077]); storing said location data and said selected time (paragraph [0096]); generating the location, time and identification information of the mobile terminal (paragraph [0076], [0077] generating location, time, and identification of the particular mobile device as part of registration process from the mobile terminal or polling from the base station); transmitting said information from the mobile wireless data entry terminal to a wireless receiver at a base station equipped with a computer having a display (Figure 2, paragraph [0076]-[0077]; [0096]-[0098]); (e) defining at least one established norm for a selected parameter selected from mobile wireless data entry terminal location, time, and unique mobile wireless data entry terminal identification indicator (Figure 14, paragraph [0096]); comparing at least one of said location data field, said selected time, and said unique mobile wireless data entry

terminal identification indicator to said established norm (paragraph [0096]-[0098]); and however, Jones does not expressly teach a method of using data packet for the invention wireless transmission between the mobile terminal and the base station. In an analogous art, Marcarelli et al. teaches using data packet for communicating message comprises identification of the mobile device, location data field, selected time, and other additional data such as emergency data (paragraph [0043]). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones to include the method of using data packet for communication between the mobile terminal and the base station in order to better management of wireless communication resources such communication channel. however Jones and Marcarelli et al. does not teach a method of generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm. in an analogous art, Kuma et al. teaches generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm (col. 27, line 34 to 38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones and Marcarelli et al. to include generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm such as taught by Kuma in order to alarm the authorized personnel the condition is not met like the driver is not traveling on the designated route or some unexpected, abnormal event which may occur on the traveling route or at a particular location.

Jones and Marcarelli do not disclose detection of tampering the mobile terminal. In an analogous art, Ghazaran discloses detection of tampering the mobile terminal antenna (see par. 0010-0013, 0020-0021). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to add the detection of tampering for the communication device to the modified Jones method for a reliable communication.

Regarding claim 18, Jones further teaches displaying a map indicating the location of said vehicle with said vehicle being visually designated as not conforming to said established norm (paragraph [0118]).

Regarding claim 19, Marcarelli et al. further teaches wherein said step of displaying a map with said vehicle being visually designated as not conforming to said established norm comprises displaying said vehicle on the map in a first selected color (paragraph [0009], [0039]).

Regarding claim 20, Jones, Marcarelli et al. and Haneback et al. teaches the invention of tracking a mobile device with an alarm system, further teaches using audio and visual means to alarm a user. However, Jones, Marcarelli et al. and Haneback et al. does not teach wherein said first selected color is red. In an analogous art, Kuma teaches an alarm system, wherein said first selected color is red (col. 27, line 34 to 38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones, Marcarelli et al. and Haneback et al. to include an alarm system, wherein said first selected color is red such as taught by Kuma in order to enhance flexibility of possibility in alerting an user, especially to disable people.

Regarding claim 21, Marcarelli et al. further teaches wherein said norm is vehicle location, and wherein said alarm data field is generated in the event that said vehicle is not in a selected location (paragraph [0039]).

Regarding claims 22, 23, 24, 25, Jones further teaches wherein said norm is vehicle location at a selected time, and wherein said alarm data field is generated in the event that said vehicle is not in a selected location at said selected time or that said vehicle is not in selected geographically bounded area is selected by a dispatch center user on said base station computer by identifying an enclosed selected area on a map displayed on said base station computer display. (paragraph [0109], [0157]).

Regarding claim 26, Ghazarian teach wherein the step of sensing the location of the mobile wireless data entry terminal comprises sensing signals of three or more Global Positioning System satellites (see fig. 1, items 50).

Regarding claim 32, Jones and Marcarelli et al. further teaches a method further comprising the steps of: comparing a selected parameter comprising at least one of said position data field, said selected time data field, said person present/absent data field and said mobile wireless data entry terminal identification indicator to an established norm (Jones; paragraph [0073], [0076]- [0077], [0097], 0106]); Jones and Marcarelli et al further teaches of notifying users in case of events (Jones; paragraph [0002]-[0004]); however, fails to teach generating an alarm signal in the event that said comparison step demonstrates that said selected parameter does not conform to said established norm. In an analogous art, Kuma et al. teaches generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said

established norm (col. 27, line 34 to 38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones and Marcarelli et al. to include generating an alarm data field in the event that said comparison step indicates a condition that does not conform to said established norm such as taught by Kuma in order to alarm the authorized personnel the condition is not met like the driver is not traveling on the designated route or some unexpected, abnormal event which may occur on the traveling route or at a particular location

Regarding claim 33, Kuma further teaches a method further comprising the steps of transmitting said alarm signal from the mobile wireless data entry terminal to a wireless receiver at the remote location (col. 2, line 16 to 22).

As to claims 88-89, Jones discloses the method wherein said step of determining whether the mobile wireless data entry terminal is being tampered with comprises the step of: monitoring an ignition line of said vehicle and sending a tamper alert signal in response to an interruption of said ignition line (see par. 0112). Marcarelli et al discloses determining whether a vehicle carrying the mobile wireless data entry terminal is being tampered with and generating a vehicle tamper status data field (paragraph [0052]-[0055]).

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No. 2002/0070881) and Ghazarian, and further in view of Flick et al. (US Patent 6,809,659).

Regarding claim 38, Jones, Marcarelli et al. teaches a method for tracking a mobile terminal device including alarming the system in the case the vehicle is being

tampered with. However, Jones, Marcarelli et al. does not teach a method further comprising actuating an audible car alarm in response to said alarm signal. In an analogous art, Flick et al. teaches actuating an audible car alarm in response to said alarm signal (col. 11, line 1 to 10). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Jones, Marcarelli et al. to include actuating an audible car alarm in response to said alarm signal such as taught by Flick et al. in order to be able to alert passer by the situation so that an appropriate action could be taken to stop the tampering.

8) Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pub. No. 2003/0195699) in view of Marcarelli et al. (US Pub. No. 2002/0070881) and Ghazarian, and further in view of Hanebeck et al. (US Patent 6,529,141) Regarding claim 39, Jones, Marcarelli et al. teaches a method for tracking a mobile terminal device including generating an alarm signal in the event that said comparison step demonstrates that said selected parameter does not conform to said established norm (Marcarelli et al., paragraph [0043], [0050]-[0051]). Jones and Marcarelli et al. further teaches comparing current location and time of the mobile device to a predefined location and time (Jones, paragraph [0096]-[0098]); however does not expressly teach comparing said vehicle tamper status data field and said mobile wireless data entry terminal identification indicator to an established norm. In an analogous art, Hanebeck et al. teaches comparing said vehicle tamper status data field and said mobile wireless data entry terminal identification indicator to an established norm (see Abstract, col. 2, line 41 to 60). Therefore, it would have been obvious to one ordinary skill in the art at

the time of the invention was made to modify Jones and Marcarelli et al. to include comparing said vehicle tamper status data field and said mobile wireless data entry terminal identification indicator to an established norm such as taught by Hanebeck et al. in order to be able to recognize unexpected events or tampering other than a routine events or tampering, which normally would be done by authorized individual or the owner of the mobile device in order to timely alert and response to in cases of unauthorized events.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be mailed to:

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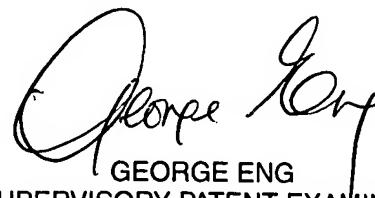
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcos L Torres  
Examiner  
Art Unit 2617

  
mlt

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER